

# PATENT COOPERATION TREATY

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From the INTERNATIONAL SEARCHING AUTHORITY

To:  
STEVEN J. ROCCI  
WOODCOCK WASHBURN LLP  
ONE LIBERTY PLACE, 46TH FLOOR  
PHILADELPHIA, PA 19103

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NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference MSFT-4440	Date of mailing (day/month/year) <b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below
International application No. PCT/US04/24442	International filing date (day/month/year) 29 July 2004 (29.07.2004)
Applicant MICROSOFT CORPORATION	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statements under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

**For more detailed instructions,** see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer <i>Jean B. Fleurantin</i> JEAN B. FLEURANTIN Telephone No. 571-272-4035
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Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

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APR 10 2006

Mary Ann Devine  
Woodcock Washburn

MS 307 227. 07

# PATENT COOPERATION TREATY

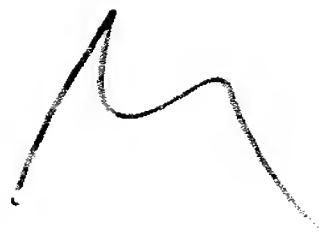
From the INTERNATIONAL SEARCHING AUTHORITY

To:  
STEVEN J. ROCCI  
WOODCOCK WASHBURN LLP  
ONE LIBERTY PLACE, 46TH FLOOR  
PHILADELPHIA, PA 19103

## PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)



Applicant's or agent's file reference MSFT-4440	Date of mailing (day/month/year) <b>31 MAR 2006</b>
International application No. PCT/US04/24442	International filing date (day/month/year) 29 July 2004 (29.07.2004)
Applicant MICROSOFT CORPORATION	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**  
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:**

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**


Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer  JEAN B. FLEURANTIN Telephone No. 571-272-4035
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## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference MSFT-4440	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US04/24442	International filing date ( <i>day/month/year</i> ) 29 July 2004 (29.07.2004)	(Earliest) Priority Date ( <i>day/month/year</i> ) 10 February 2004 (10.02.2004)
Applicant MICROSOFT CORPORATION		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the Report**

a. With regard to the **language**, the international search was carried out on the basis of:



the international application in the language in which it was filed.



a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 3



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/24442

## Box IV TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

### NEW ABSTRACT

The technical features mentioned in the abstract do not include a reference sign between parentheses (PCT Rule 8.1(d)).

Various embodiments of the present invention are directed to a database with an extensible type system for at least one user-defined type that comprises information for describing its structure as well as information for describing inheritance relationship between itself and another user-defined type (either a subtype or a supertype/base type). For certain embodiment, the user-defined type is defined in something other than Sequential Query Language (SQL) statement such as, for example, a Common Language Runtime (CLR) statement, a statement in C, C++, and C# ("C-sharp"), and/or a visual basic statement. In any event, several embodiments are further directed to a system wherein the database is aware of the inheritance relationship between two user-defined types by an explicit registration of the user-defined types with said database (Figure 3).



# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/24442

## A. CLASSIFICATION OF SUBJECT MATTER

IPC: **IPC(7) G06F 17/30**

USPC: 707/3,4,10,103

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
U.S. : 707/3, 4, 10, 103

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
WEST (US PG PUB, US PT, EPO, JPO, DERWENT, IBM TDB)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5,864,862 A (KRIENS et al) 26 January 1999 (26.01.1999), column 3, lines 6-65; column 4, lines 18-64.	1-30
Y	US 6,564,205 B2 (IWATA et al) 13 May 2003 (13.05.2003), column 7, lines 20-63.	1, 11 and 21
Y	US 5,696,961 A (BRISCOE et al) (09 December 1997 (09.12.1997), column 6, lines 46-61.	4, 5, 14, 15, 24 and 25
Y	US 5,826,077 A (BLAKELEY et al) 20 October 1998, (20.10.1998), column 2, line 63 to column 3, line 44; column 6, line 30 to column 8, line 54.	6, 16 and 26

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&"

document member of the same patent family

Date of the actual completion of the international search

13 March 2006 (13.03.2006)

Date of mailing of the international search report

31 MAR 2006

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Authorized officer

JEAN B. FLEURANTIN

Telephone No. 571-272-9000

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
STEVEN J. ROCCI  
WOODCOCK WASHBURN LLP  
ONE LIBERTY PLACE, 46TH FLOOR  
PHILADELPHIA, PA 19103

# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference MSFT-4440		Date of mailing (day/month/year) <b>31 MAR 2006</b> <b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. PCT/US04/24442	International filing date (day/month/year) 29 July 2004 (29.07.2004)	Priority date (day/month/year) 10 February 2004 (10.02.2004)	
International Patent Classification (IPC) or both national classification and IPC IPC: <b>G06F 17/30</b> ( 2006.01) USPC: 707/3,4,103			
Applicant MICROSOFT CORPORATION			

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

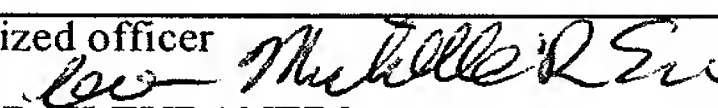
## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 17 March 2006 (17.03.2006)	Authorized officer  JEAN B. FLEURANTIN Telephone No. 571-272-4035
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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/24442

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/24442

**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims <u>1-30</u>	YES
	Claims <u>NONE</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-30</u>	NO
Industrial applicability (IA)	Claims <u>1-30</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/24442

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

**V. 2. Citations and Explanations:**

Claims 1- 3, 6-13, 16-23 and 26-30 lack an inventive step under PCT Article 33(3) as being obvious over U.S Patent No. 5,864,862 issued to Kriens et al., ("hereinafter Kriens") and in view of U.S Patent No. 6,564,205 issued to Iwata et al., ("hereinafter Iwata").

As per claims 1 and 21, Kriens discloses, "a system comprising a database with an extensible type system for at least one user-defined type" (see col. 20, lines 52-56), wherein said at least one user-defined type comprises: "information for describing the structure of said at least one user-defined type" (see col. 15, lines 35-38). Kriens fails to explicitly disclose information for describing an inheritance relationship between itself (said at least one user-defined type) and a second user-defined type. However, Iwata discloses a sub-data type may be a user-defined type to designate a procedure regarding to specify relationships of inheritance between data type (see Iwata col. 7, lines 32-39). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combined teachings of Kriens and Iwata with information for describing an inheritance relationship between itself (said at least one user-defined type) and a second user-defined type. Such a modification would allow the teachings of Kriens and Iwata to provide query time is shortened (see Iwata col. 3, line 50).

As per claim 2, Kriens discloses, "wherein said second user-defined type is a subtype of said at least one user-defined type" (see col. 4, lines 39-41), and table 1, and column 4, lines 60-64.

As per claim 3, Kriens discloses, "wherein said second user-defined type is a supertype of said at least one user-defined type" (see col. 4, lines 39-41), and table 1, and column 4, lines 60-64.

As per claim 6, Kriens discloses, "wherein said at least one user-defined type is defined by a statement in a programming language from among the following group of programming languages: C, C++, and C# ("C-sharp")" (see col. 16, lines 57-64).

As per claim 7, Kriens discloses, "wherein said at least one user-defined type is defined by a visual basic statement" (see col. 4, lines 39-41).

As per claims 8-9, 18-19, 28 and 29, in addition to claim 1, Kriens further discloses the claimed subject matter, except the claimed said inheritance relationship between said at least one user-defined type and said second user-defined type. However, Iwata discloses a sub-data type may be a user-defined type to designate a procedure regarding to specify relationships of inheritance between data type (see Iwata col. 7, lines 32-39). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US04/24442

**Supplemental Box**

**In case the space in any of the preceding boxes is not sufficient.**

modify the combined teachings of Kriens and Iwata with said inheritance relationship between said at least one user-defined type and said second user-defined type. Such a modification would allow the teachings of Kriens and Iwata to provide query time is shortened (see Iwata col. 3, line 50).

As per claims 10, 20 and 30, Kriens discloses, “a subsystem for compiling a type into an assembly” (see col. 4, lines 18-38); “a subsystem for registering said assembly with said database” (see col. 5, lines 16-38); “a subsystem for registering said type of said assembly with said database” (see col. 8, lines 30-41); and “a subsystem for using said type” (see col. 4, lines 60-64).

As per claim 11, Kriens discloses, “a method for providing, in a database, an extensible type system for at least one user-defined type” (see col. 20, lines 52-56), said method comprising: “storing information for describing the structure of said at least one user-defined type in said at least one user-defined type” (see col. 15, lines 35-38). Kriens fails to explicitly disclose storing information for describing an inheritance relationship between itself (said at least one user-defined type) and a second user-defined type. However, Iwata discloses a sub-data type may be a user-defined type to designate a procedure regarding to specify relationships of inheritance between data type (see Iwata col. 7, lines 32-39). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combined teachings of Kriens and Iwata with storing information for describing an inheritance relationship between itself (said at least one user-defined type) and a second user-defined type. Such a modification would allow the teachings of Kriens and Iwata to provide query time is shortened (see Iwata col. 3, line 50).

As per claims 12 and 22, Kriens further discloses, “creating said second user-defined type is a subtype of said at least one user-defined type” (see col. 4, lines 39-41), and table 1, and column 4, lines 60-64.

As per claims 13 and 23, Kriens further discloses, “creating said at least one user-defined type that is a subtype of said second user-defined type” (see col. 4, lines 39-41), and table 1, and column 4, lines 60-64.

As per claims 16 and 26, Kriens further discloses, “defining said at least one user-defined type is defined by a statement in a programming language from among the following group of programming languages: C, C++, and C# (“C-sharp”)” (see col. 16, lines 57-64).

As per claims 17 and 27, Kriens further discloses, “defining said at least one user-defined type is defined by a visual basic statement” (see col. 4, lines 39-41).

Claims 4-5, 14-15, 24 and 25 lack an inventive step under PCT Article 33(3) as being obvious over U.S Patent No. 5,864,862 issued to Kriens et al., (“hereinafter Kriens”) and in view of U.S Patent No. 6,564,205 issued to Iwata et al., (“hereinafter Iwata”) as applied to claims 1- 3, 6-13, 16-23 and 26-30 above, and further in view of U.S Patent No. 5,696,961 issued to Briscoe et al., (“hereinafter Briscoe”).

As per claims 4-5, 14-15, 24 and 25, Kriens discloses the claimed subject matter, except the claimed Sequential Query Language (SQL) statement. However, Briscoe discloses the claimed Sequential Query Language (SQL) queries (see Briscoe col. 6, lines 46-61). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combined teachings of Kriens, Iwata and Briscoe with Sequential Query Language (SQL) statement. Such a modification would allow the teachings of Kriens, Iwata and Briscoe to provide database access services to multiples applications programs (see Briscoe col. 1, lines 10-11).

Claims 1-30 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

#### What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When ?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How ?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

**The amendments must be made in the language in which the international application is to be published.**

#### What documents must/may accompany the amendments ?

##### **Letter (Section 205(b)):**

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

**The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.**